

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
2006 Quadrennial Regulatory Review –	)	MB Docket No. 06-121
Review of the Commission’s Broadcast	)	
Ownership Rules and Other Rules Adopted	)	
Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	
	)	
2002 Biennial Regulatory Review – Review	)	MB Docket No. 02-277
of the Commission’s Broadcast Ownership	)	
Rules and Other Rules Adopted Pursuant to	)	
Section 202 of the Telecommunications Act	)	
of 1996	)	
	)	
Cross-Ownership of Broadcast Stations and	)	MM Docket No. 01-235
Newspapers	)	
	)	
Rules and Policies Concerning Multiple	)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in	)	
Local Markets	)	
	)	
Definition of Radio Markets		MM Docket No. 00-244
To: The Commission		

**REPLY COMMENTS OF NATIVE PUBLIC MEDIA**

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January 16, 2007

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## **EXECUTIVE SUMMARY**

Native Public Media (“NPM”), which represents the interests of 33 public radio stations serving Native Nations and communities throughout the United States, respectfully submits these reply comments in support of the Initial Comments of the Diversity and Competition Supporters (“DCS”) and the twenty-one minority ownership proposals the Minority Media and Telecommunications Council (“MMTC”) has advanced in this proceeding. NPM further urges the Commission to take the following steps to begin to level the playing field for Native Nations, to promote localism, and to increase the diversity of the Nation’s airwaves:

- Retain existing limits on the number of stations that one entity can own to increase localism and diversity in television and radio broadcasting.
- Ensure that the unique needs of Native Nations are considered in any studies performed as part of this proceeding and consider performing a targeted study of Native Nation broadcast issues.
- Adopt the proposals of MMTC and DCS to promote diversity of ownership in commercial broadcasting.
- Create an “Indian Desk” that will: generate proposals to promote broadcasting on Native lands; propose ways for the Commission to set aside spectrum to meet the needs of Native Nations; help Native Nations hold mainstream broadcasters accountable; study Native station ownership; identify ways that the transition to digital technology can serve un-served Native American populations; and assist Native Nations and Native communities in securing new media opportunities.
- Expand education and outreach regarding regulatory requirements through publications and seminars during ITI events.
- Adopt NPM’s proposals for Native NCE station applicants and low power interference protection.

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To: The Commission

**REPLY COMMENTS OF NATIVE PUBLIC MEDIA**

Native Public Media (“NPM”) respectfully submits these reply comments in support of the Initial Comments of the Diversity and Competition Supporters (“DCS”) and the twenty-one minority ownership proposals the Minority Media and Telecommunications Council (“MMTC”) has advanced in this proceeding.<sup>1</sup> NPM urges the Federal Communications Commission (“FCC” or “Commission”) to retain its existing media ownership rules in order to ensure adequate levels

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<sup>1</sup> See 2006 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets, Further Notice of Proposed Rulemaking, 21 FCC Rcd 8834 (2006) (“FNPRM”); see also Comments of Diversity and Competition Supporters in MB Docket 06-121 (filed Oct. 23, 2006).

of competition, diversity, and localism in the media marketplace. In addition, NPM further urges the Commission to adopt the specific proposals set forth herein to increase Native ownership and operation of media outlets.

## **I. BACKGROUND**

NPM represents the interests of 33 public radio stations serving Native Nations and communities throughout the United States.<sup>2</sup> Since its launch in 2004, NPM's primary focus has been strengthening existing Native American public radio stations and promoting ownership for more Native communities by serving as an advocate, national coordinator, and resource center. NPM recognizes that profound changes are taking place in the way Americans consume media, and is therefore focused not only on the needs of Native American radio stations, but also on helping Native America leverage new digital and wireless platforms that will make it possible to close the existing media divide. Ensuring that policymakers understand the impact of their actions on Indian Country is critical to NPM's efforts.<sup>3</sup> Toward that end, NPM respectfully submits these comments.

Media ownership is a relatively new issue of concern to Native Nations because the urgent need for telecommunications infrastructure took first priority. Today, however, Native Nations are working to identify new ways to tell their own stories and counterbalance the negative and often misleading perceptions about Native Americans perpetuated by mainstream media. For many Native Nations interested in broadcast ownership, it is already too late –

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<sup>2</sup> NPM, formerly known as the "Center for Native American Public Radio," was created as a center under the National Federation of Community Broadcasters with seed funding from the Corporation for Public Broadcasting ("CPB"). A list of the NPM member stations can be found at Appendix A, attached hereto.

<sup>3</sup> NPM was honored to serve as a co-host of the Commission's Indian Telecommunications Initiative ("ITI") Regional Workshop and Roundtable held this summer in San Diego, which, for the first time, included a broadcast component. NPM appreciates the efforts of FCC Commissioners and staff who participated in and coordinated the event.

frequencies are no longer available in their communities. Unlike the problem of the digital divide in Indian Country, the problem of the media divide is not very well documented.

Although further study is warranted and should be conducted by the Commission as part of this proceeding, available numbers tell a disheartening story.<sup>4</sup> Of the 562 federally-recognized Native Nations, only 33 hold licenses for Native American public radio stations, a discouragingly low number.<sup>5</sup> At last count, only three commercial broadcast stations were owned by Native Nations or individual Native Americans.<sup>6</sup>

NPM recognizes that the problem of station under-representation in Indian Country did not occur overnight, but is instead a symptom of the long history of neglect by the federal government toward Native Nations – a problem compounded by a lack of resources and the knowledge necessary to capitalize on the opportunity for spectrum acquisition. NPM is working to help Native Nations catch up, but it is a slow process impeded by fast-shrinking spectrum availability. In short, NPM needs time and resources to address this problem, but a remedy will not be possible if all of the public spectrum in Indian Country is allocated and licensed for commercial use. NPM firmly believes that any efforts to further relax the media ownership rules will only exacerbate the lack of Native station ownership by making it more difficult for Native Nations to enter the market, hold existing media owners accountable to their needs, and have Native American voices heard. Therefore, NPM urges the Commission to retain the existing

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<sup>4</sup> The Commission should ensure that the unique needs of Native Nations are considered in any studies performed as part of this proceeding and consider performing a targeted study of Native Nation broadcast issues. Although telecommunications on tribal lands was recently studied, Native media ownership has been overlooked. See Government Accountability Office, *Challenges to Assessing and Improving Telecommunications for Native Americans on Tribal Lands*, GAO 06-189 (Jan. 2006).

<sup>5</sup> See Appendix A (all of the public radio stations licensed to Native Nations are members of NPM).

<sup>6</sup> See National Telecommunications and Information Administration, *Changes, Challenges and Charting New Courses: Minority Commercial Broadcast Ownership in the United States* (2001) (reporting that Native Americans owned only three full power commercial radio stations and no full power television stations).

media ownership limits. NPM also urges the FCC to use this and other relevant proceedings to fully understand the media situation in Indian Country; take appropriate actions to increase Native Nation and individual Native American access to and ownership of media; find ways to strengthen and grow the family of Native American Radio stations; and, because of the lack of spectrum or prohibitive cost of entry, work to ensure that Indian Country is able to take full advantage of the many promising benefits of new digital and wireless platforms.

## **II. PROMOTING NATIVE STATION OWNERSHIP IS ESSENTIAL TO LOCALISM, DIVERSITY, AND COMPETITION IN BROADCASTING**

### **A. Local Content Focusing on Indian Country is Generated Primarily by Native American Owned and Operated Stations**

An important goal of this proceeding is to determine the impact of media concentration on localism and diversity of viewpoint. NPM urges the FCC to consider that while most Americans live in markets with multiple media outlets, this is very uncommon in Indian Country. There are a number of tribal newspapers, but broadcast stations and cable channels focused on the interests and needs of the local Native American community are few and far between. Compounding this problem is that, for decades, mainstream media outlets in neighboring towns and cities often ignore the needs of Native Nations, viewing these communities as too remote, too small, or too unimportant to cover.<sup>7</sup>

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<sup>7</sup> Native Nation representatives testifying at the May 2004 localism hearing provided several examples of how non-Indian broadcasters often ignore their communities' need for local news, political discussion, and diverse programming. *See, e.g.,* Testimony of Thomas Short Bull, President, Oglala Lakota College, *FCC Broadcast Localism Hearing*, Rapid City, South Dakota, May 24, 2004; Testimony of Harvey White Woman, Executive Director, Wawokiye Business Institute, Pine Ridge Reservation, *FCC Broadcast Localism Hearing*, Rapid City, South Dakota, May 24, 2004; Testimony of Dennis King, Vice Chairman of the Oglala Sioux Tribe, *FCC Broadcast Localism Hearing*, Rapid City, South Dakota, May 24, 2004; Testimony of Carole Anne Heart, Executive Director of the Aberdeen Area Tribal Chairmen's Health Board, *FCC Broadcast Localism Hearing*, Rapid City, South Dakota, May 24, 2004. By contrast, there were refreshing reports of local offerings relevant to Indian Country offered by Native public radio stations. *See, e.g.,* Testimony of Tom Casey, Program Director, Station KILI, *FCC Broadcast Localism Hearing*, Rapid City, South Dakota, May 24, 2004 (NPM member station KILI "celebrates the Lakota

It was in response to this situation that Native American radio was born. It is also why NPM is concerned about any attempts by the FCC to further relax media ownership rules as well as why the FCC must ensure that Native Nations have full access to new digital and wireless platforms that pose the best opportunity for giving a “voice” to Indian Country.

As we move into the digital future and increase Native community access to new technologies, NPM would like the FCC to remember the vital role played by Native American radio. NPM member stations epitomize the FCC’s goal of localism by providing a robust voice for the communities they serve. Every day, these stations play a unique role in Native American life. On one level, they are lifelines transmitting vital information about health, public safety, and community events across Indian reservations, scattered rural and bush communities, and fishing vessels off the Alaska coast. On another level, they are an essential part of Native Nation efforts to rebuild their communities, revitalize their cultures, and reassert control over their affairs.

Often the only clear signal that listeners receive, Native American radio reflects the daily needs of the community by covering tribal council meetings, sustaining Native languages, music and cultures, and creating a sense of community among widely dispersed populations. Through audio streaming, many of NPM’s member stations help those living away from the reservation – including our men and women serving in Iraq, Afghanistan, and around the globe – stay connected to their communities. These stations also connect listeners to Native experts discussing issues rarely covered by mainstream media through national programming, such as *Native America Calling*.

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culture each day through language, music, stories and history of the Lakota people” and regularly broadcasts tribal council meetings and other programs devoted to the Oglala Sioux Nation’s governance).



Another critical role played by Native American radio stations is helping Native Nations in their efforts to police and secure their remote reservation homelands. As part of the Emergency Alert System, our member stations keep citizens informed of news and information about disasters, both natural and man-made. Each year, many of our communities suffer from severe weather, such as floods, tornados, and wildfires. Sometimes the difference between life and death can turn on the availability of public safety alerts broadcast over local radio.<sup>8</sup> Without Native American public radio, Native Nations would lack a vital tool for providing citizens with local emergency news and information, in their own language.

NPM believes that to maintain and promote diversity and localism, the FCC should take steps to support and strengthen existing Native American public radio stations while finding ways to increase media access and ownership opportunities in Indian Country. As made clear by the above examples, Native Nations are in the best position to determine how to serve and advance the information and communications needs of their communities. For the many places where station ownership may not be feasible, NPM also urges the Commission to hold mainstream media owners accountable to their obligation to meet the needs of their communities of license—including the Native Nations they serve.

**B. To Address Barriers Created By Communications Policies of the Past, the Commission Must Begin to Level the Broadcast Playing Field for Native Nations**

While many Native Nations may already be locked out of broadcast station ownership due to the lack of available spectrum and/or the high cost of entry, it does not mean that they do

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<sup>8</sup> This summer, for example, the Hopi Reservation was forced to declare a state of emergency due to severe flooding. The Tribe turned to KUYI–Hopi Radio to help save lives by alerting citizens of evacuation procedures for those living in dangerous flashflood areas. Many Native Nations also are on the front line of the war on illegal drugs, immigrant smuggling, and terrorism. The Tohono O’odham Nation, for example, whose reservation is roughly the size of Connecticut, relies on KOHN to keep citizens informed of the latest national threat levels and local and Federal homeland security activities.

not have a stake in the broader media landscape. NPM believes that the promise of digital television and radio means that existing broadcasters can and should find ways to serve Native American populations more effectively.<sup>9</sup> With increased broadband penetration on Native lands, NPM member stations can use their web sites to usher in a new wave of Native American voices and images through listener blogging, chatting, and downloading and uploading audio and video streams.<sup>10</sup> With existing and emerging technologies, NPM's member stations are poised to become even greater hubs of communication in their communities by complementing their local and national on-air offerings with on-demand and interactive news, information, and programming.

Although NPM is excited about the prospect of increasing Native Nation participation in the larger media landscape through new technologies, NPM recognizes that, like most Americans today and in the foreseeable future, Native Americans receive most of their news and information over the public airwaves. Therefore, a significant priority for NPM is stabilizing and sustaining the operations of existing Native American public radio stations and helping Native Nations understand how to enter the public broadcasting field, wherever possible.

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<sup>9</sup> For example, in Phoenix, Arizona, public radio station KJZZ is working with the Hispanic community to develop a digital channel dedicated to the community's programming needs. This is an important model for how broadcasters in the digital age can promote localism and reverse the harmful effects of media consolidation by giving voice to Native Nations and other communities representing diverse viewpoints. *See KJZZ creates Latino Affairs Desk*, LATINO PERSPECTIVES MAGAZINE, October 2006, available at: <http://www.latinoperspectivesmagazine.com/articles.asp?ad=592>.

<sup>10</sup> NPM supports the FCC's recent action to enable new low power devices to operate on "white space" spectrum as well as efforts of the public interest community to open up these airwaves, so that they can be shared by multiple users on an unlicensed basis. *See Unlicensed Operation in the TV Broadcast Bands*, FCC 06-156 (rel. Oct. 18, 2006). Such policies can bring broadband and wireless innovation to rural and Native American communities. By increasing broadband opportunities in Indian Country, the FCC also will strengthen the future of Native American radio stations, which can begin to use new technologies, such as podcasting and mobile video, to enhance community service, engage new audiences, and extend their reach far beyond the immediate coverage areas.

Unfortunately, despite the vital role that they play in their communities, Native-owned stations face a constant struggle to remain on air. Most NPM stations are located in economically distressed communities, making it difficult to depend upon listener support and the traditional “pledge drive” funding model. Many of our stations limp through the broadcast day with 20 to 30-year-old-equipment and are hamstrung by limited budgets and a lack of technical expertise.<sup>11</sup> As a result, these stations find it difficult or impossible to navigate the funding process necessary to upgrade and replace outdated equipment.

Native-owned stations also face the constant challenge of building the management, finance, engineering, and programming capacities of their staffs. As a result, stations struggle to meet the numerous regulatory and reporting requirements. Prior to the formation of NPM, a combination of distance and limited resources dictated that each station solve its own problems in its own way without the assistance of a central group to help stations share expertise and collaborate to solve problems. Today, NPM is working to build each member station’s internal capacity and to provide support during emergency situations.<sup>12</sup>

While incremental and important progress is being made, NPM believes that there still is a long way to go before the entire Native American radio system is fully stabilized. Until there

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<sup>11</sup> NPM member stations also depend upon Federal support that is not always predictable or sufficient. The primary Federal funding source used to acquire equipment – the Public Telecommunications Facilities Program administered by the National Telecommunications and Information Administration (“NTIA”) – is under-funded, highly competitive, and constantly threatened with elimination. It also requires 25-50% funding matches, which are difficult for NPM stations to meet. NPM is constantly helping to guard against cuts to its member stations’ primary Federal funding source for programming support and digital equipment, the Corporation for Public Broadcasting.

<sup>12</sup> For example, this summer, KILI was forced off the air by a lightning strike. NPM provided KILI with proposal writing expertise that helped the station secure emergency funding from NTIA and CPB so that it could continue operating. Additional support was provided by the State of South Dakota. The station is back on the air, much to the relief of its listeners. *See* FCC File No. BSTA-20060703ADE (granting KILI special temporary authority (“STA”) to operate at reduced power using a standby antenna); FCC File NO. 20061017ACS (pending application to extend STA).

is greater financial support and stability for these stations, the Commission should make the survival of these stations a high priority because of their significant contribution to the goals of localism and diversity of viewpoint. Toward this end, the Commission should take steps to better educate station personnel about regulatory obligations and provide modest regulatory relief where appropriate. For example, the Commission could publish handbooks on regulatory guidelines, offer seminars on regulatory requirements in conjunction with future ITI events, and, in response to a request with an appropriate public interest showing, waive electronic filing requirements for NPM stations that lack Internet access. Such steps would ensure that Native public radio stations meet necessary regulatory and reporting requirements without hindering the growth of these fledgling stations.

As stated above, NPM also helps Native Nations seeking to enter the broadcast marketplace. For the vast majority of Native Nations, broadcasting represents a brand new endeavor and many are just beginning to learn how the process works. The reality is that most are in the difficult position of playing catch-up to a regulatory system that bypassed Indian Country decades ago. When Native Nations attempt to identify broadcast ownership opportunities, they often find that they already are locked out of the market.<sup>13</sup>

Given the spectrum limitations on tribal lands, one of the few remaining opportunities for Native Nations to enter broadcasting is the next noncommercial educational (“NCE”) license application window. NPM is concerned that this may be the last chance for Native Nations to obtain public radio broadcast spectrum and urges the FCC to use this opportunity to remedy past policy inequities. Specifically, the Commission should consider establishing primacy for Native

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<sup>13</sup> This is particularly true for Native Nations located near urban markets such as Phoenix, Albuquerque, San Diego, and Los Angeles, whose only option is to buy an existing station, which can be prohibitive in terms of cost or distance from the reservation.

Nation applicants in the upcoming NCE application window,<sup>14</sup> and should limit the number of NCE applications that one entity can file in order to create more opportunities for Native Nations. Without such FCC action, many Native Nations will remain locked out of broadcast ownership. The Commission also should consider establishing heightened interference protection for Native low power FM stations and translators that are vulnerable to being knocked off the air by nearby full power stations.

C. The Unique Status and Communications Needs of Native Nations Necessitates Greater Consultation Between the Commission and Native Nations on Communications Policy Matters

In the FNPRM, the Commission seeks comment on proposals to foster minority ownership advanced by MMTC in its filings in the 2002 biennial review proceeding.<sup>15</sup> The Commission also urges commenters to explain the effects, if any, that their ownership rule proposals will have on ownership of broadcast outlets by minorities, women, and small businesses.<sup>16</sup> NPM applauds the Commission's focus on these issues, and supports the adoption of the MMTC and other proposals discussed in DCS's comments in this proceeding.<sup>17</sup> In considering solutions specific to Native broadcast ownership, however, the Commission must not lose sight of the fact that Native Nations are not simply part of the minority community, but are distinct legal, cultural, and political entities. As sovereign governments, they face needs and issues uncommon to the minority community. Enhancing the dialogue between the Commission

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<sup>14</sup> Before it accepts applications for a future NCE window, the Commission should request public comment on and evaluate whether to amend Section 73.7003 of its rules, 47 C.F.R. § 73.7003, to include the award of one point for applicants that are federally recognized tribes.

<sup>15</sup> See FNPRM ¶ 5.

<sup>16</sup> See FNPRM ¶ 6.

<sup>17</sup> See Comments of Diversity and Competition Supporters in MB Docket 06-121 (filed Oct. 23, 2006). Based on NPM's experience and observations in Indian Country, programming is significantly more responsive to the needs of the community when there is diversity in station ownership and management.

and Native Nations on matters of communications policy would be facilitated by the establishment of an “Indian Desk” within the Commission.

Since the founding of the United States, the federal government has maintained a unique government-to-government and trust relationship with federally-recognized Native Nations, a relationship acknowledged by the FCC’s *Tribal Policy Statement*.<sup>18</sup> Significantly, the FCC’s policy recognizes “the rights of Indian Tribal governments to set their own communications priorities and goals for the welfare of their membership.”<sup>19</sup> NPM firmly believes that the ability to broadcast within their own communities greatly supports the self-government, economic development, and nation-building objectives of Native Nations. Native Nations, as sovereign governments engaged in the exercise of modern self-determination, are responsible for the health, safety, and welfare of their citizens. They are responsible for policing and securing the homeland within their borders, including several regions spanning international borders; maintaining and sustaining their sacred histories, languages, and traditions; and establishing and fostering healthy economies.

In spite of the importance of communications to Native Nation building, most communities remain unserved and underserved in both the media and telecommunications areas.<sup>20</sup> NCAI has stated that, in order to remedy unacceptable conditions and fill gaps left by

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<sup>18</sup> *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, 16 FCC Rcd 4078, 4081 (2000).

<sup>19</sup> *Id.*

<sup>20</sup> As stated above, just 33 of 562 Native Nations have public radio stations. Moreover, only 68% of households on tribal lands have a telephone; only eight tribes own and operate telephone companies; and broadband penetration on Indian lands is less than 10%. See Hearing Testimony of NCAI President Joe Garcia before the Senate Committee on Commerce, Science, and Transportation, March 7, 2006 at 1-2 (“*NCAI Testimony*”).

statutes, tribal leaders are increasingly engaging in communications policymaking.<sup>21</sup> The question of how to expand broadcast ownership opportunities for Native Nations and individuals also raises one of the most critical and challenging policy and legal issues in U.S. – tribal government relations: the desire of Native Nations to regulate spectrum on their lands. NCAI President Joe Garcia has stated:

“...federal spectrum management policies have not acknowledged tribal sovereignty, self-determination, or the federal trust responsibility. As a result, very few tribes have been able to access licensed spectrum for public safety, telephony, community broadband or broadcast media. Instead, the telecommunications industry has purchased spectrum licenses throughout Indian Country with very little benefit to the public interest of tribes, Native American consumers, or non-tribal citizens living on tribal lands.”<sup>22</sup>

NPM supports NCAI’s call for greater consultation with Native Nations to ensure full access to the valuable and scarce spectrum resource. Native Nations—not the federal government or the communications industry—are in the best position to determine how to manage the spectrum on their lands for the benefit of their communities. Although the Commission has a history of appointing very effective tribal liaisons,<sup>23</sup> increased consultation with Native Nations would be best facilitated by the creation of a FCC Indian Desk to provide effective assistance to and support for Native Nations as they pursue their communication priorities over new or existing platforms. The increasing interest of Native Nations in spectrum ownership, the provision of media and other communications services, and in regulating communications services on their lands, amply justifies the creation of such an office.

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<sup>21</sup> See *NCAI Testimony* at 1 (the failure of the Communications Act of 1934, as amended, to address tribal roles, needs and abilities is “one of the root causes why our lands lag far behind the rest of the nation in virtually every measure of communications connectivity.”)

<sup>22</sup> *Id.* at 4.

<sup>23</sup> NPM appreciates the expertise and hard work of current tribal liaison Shana Barehand, as well as that of former tribal liaison Geoffrey Blackwell.

While an Indian Desk should address a broad range of communications policy issues,<sup>24</sup> it could perform the following functions relating to ownership of media outlets:

1. In consultation with Native Nations, generate proposals to remove and/or create rules, policies, and initiatives that will promote broadcasting on their lands.
2. In consultation with Native Nations, propose ways that the Commission can set aside spectrum to meet the current and future broadcast (and other communications) needs of Native Nations.
3. Help Native Nations hold mainstream broadcasters serving tribal lands accountable (*i.e.*, consult with Native Nations during the license renewal process to determine whether mainstream stations are responsive to the needs of Native audiences; identify and encourage replication of positive models for Native Nation-broadcaster collaboration).
4. Track, compile, and publish accurate data on the number of commercial and non-commercial broadcast licenses held by Native Nations, tribal organizations, and individual Native Americans.
5. Identify that the transition to digital technology can benefit unserved and/or underserved Native American populations.
6. Assist Native Nations and Native communities in securing opportunities to access and control new media outlets including competition in emerging services, and access to wireless content and technologies.

NPM believes the Indian Desk should be located within the Office of the FCC Chairman, so that it can have a comprehensive view of, and full authority to engage in, all FCC issues, policies and initiatives that impact Native Nations and their citizens. Alternatively, if the Commission does not deem it appropriate to establish such a desk or office at this time, NPM urges the Commission to undertake the above steps as part of this proceeding.

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<sup>24</sup> For example, the Indian Desk also should ensure that Native Nation emergency communications needs are reflected in Federal, state, and local plans and programs, including the search for public safety spectrum.



### **III. CONCLUSION**

In summary, NPM urges the FCC to take the following steps to begin to level the playing field for Native Nations, to promote localism, and to increase the diversity of the Nation's airwaves:

- Retain existing limits on the number of stations that one entity can own to increase localism and diversity in television and radio broadcasting.
- Ensure that the unique needs of Native Nations are considered in any studies performed as part of this proceeding and consider performing a targeted study of Native Nation broadcast issues.
- Adopt the proposals of MMTC and DCS to promote diversity of ownership in commercial broadcasting.
- Create an "Indian Desk" that will: generate proposals to promote broadcasting on Native lands; propose ways for the Commission to set aside spectrum to meet the needs of Native Nations; help Native Nations hold mainstream broadcasters accountable; study Native station ownership; identify ways that the transition to digital technology can serve un-served Native American populations; and assist Native Nations and Native communities in securing new media opportunities.
- Expand education and outreach regarding regulatory requirements through publications and seminars during ITI events.
- Adopt NPM's proposals for Native NCE station applicants and low power interference protection.

NPM applauds the Commission's past efforts and urges the Commission to continue to consult with Native Nations on rules and policies that will significantly or uniquely affect their ability to enter or remain in the broadcasting arena. NPM stands ready to assist, in any way that it can, to help the FCC uphold its trust responsibility to Native Nations in the area of broadcasting as well as new technologies and platforms, and to strengthen and expand the family

of Native American Radio stations in the United States.

Respectfully submitted,

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January 16, 2007

## **Appendix A**

### **List of Native Public Media Member Radio Stations**

KABR(AM), Alamo Community, NM, The Alamo Navajo School Board  
KABU(FM), Fort Totten, ND, Dakota Circle Tipi, Inc.  
KBRW(AM), Barrow, AK, Silakkuagvik Communications, Inc.  
KCIE(FM), Dulce, NM, Jicarilla Apache Tribe  
KCUK(FM), Chevak, AK, Kashunamiut School District  
KCUW-LP, Pendleton, OR, Confederated Tribes of the Umatilla Indian Reservation  
KEYA(FM), Belcourt, ND, KEYA, Inc.  
KGHR(FM), Tuba City, AZ, Tuba City High School Board, Inc.  
KGVA(FM), Fort Belknap, Agency, MT, Fort Belknap College  
KIDE(FM), Hoopa, CA, Hoopa Valley Tribe  
KILI(FM), Porcupine, SD, Lakota Communications, Inc.  
KIYU(AM), Galena, AK, Big River Public Broadcasting Corp.  
KLND(FM), Little Eagle, SD, Seventh Generation Media Services, Inc.  
KMHA(FM), Four Bears, ND, Fort Berthold Communications Enterprises  
KNBA(FM), Anchorage, AK, Koahnic Broadcast Corporation  
KNNB(FM), Whiteriver, AZ, Apache Radio Broadcasting Corporation  
KNSA(AM), Unalakleet, AK, Unalakleet Broadcasting, Inc.  
KOHN(FM), Sells, AZ, Tohono O'ohdam Nation  
KOTZ(AM), Kotzebue, AK, Kotzebue Broadcasting, Inc.  
KPYT-LP, Tucson, AZ, Pascua Yaqui Tribe, a Federally Recognized Indian Tribe  
KRMH(FM), Red Mesa, AZ, Red Mesa Unified School District No. 27  
KSDP(AM), Sand Point, AK, Aleutian Peninsula Broadcasting, Inc.  
KSHI(FM), Zuni, NM, Zuni Communications Authority  
KTDB(FM), Ramah, NM, Ramah Navajo School Board, Inc.  
KUHB-FM, St. Paul, AK, Pribilof School District Board of Education  
KUTE(FM), Ignacio, CO, KUTE, Inc.  
KUYI(FM), Hotevilla, AZ, The Hopi Foundation  
KWRR(FM), Ethete, WY, Business Council of the Northern Arapaho Tribe  
KWSO(FM), Warm Springs, OR, Confederated Tribes Warm Springs Reservation  
KYNR(AM), Toppenish, WA, Confederated Tribes and Bands of the Yakima Nation  
KYUK(AM), Bethel, AK, Bethel Broadcasting, Inc.  
KZPA(AM), Fort Yukon, AK, Gwandak Public Broadcasting, Inc.  
WOJB(FM), Reserve, WI, Lac Courte Oreilles Ojibwa Public